

Offered: 4/11/86  
Referred: Finance

Original sponsors: Gruenberg, Taylor,  
Pettyjohn, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 516 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the impeachment of judges of the  
7 court of appeals and the district court and to dis-  
8 qualification of judges for cause."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. AS 22.07 is amended by adding a new section to read:  
11 Sec. 22.07.075. IMPEACHMENT. A judge of the court of appeals is  
12 subject to impeachment by the legislature for malfeasance or mis-  
13 feissance in the performance of official duties. Impeachment must  
14 originate in the senate and must be approved by two-thirds vote of its  
15 members. The motion for impeachment must list fully the basis for the  
16 proceeding. Trial on impeachment shall be conducted by the house of  
17 representatives. A supreme court justice designated by the court  
18 shall preside at the trial. Concurrence of two-thirds of the members  
19 of the house is required for a judgment of impeachment. The judgment  
20 may not extend beyond removal from office, but does not prevent pro-  
21 ceedings in a court on the same or related charges.  
22 \* Sec. 2. AS 22.15 is amended by adding a new section to read:  
23 Sec. 22.15.205. IMPEACHMENT. A district judge is subject to  
24 impeachment by the legislature for malfeasance or misfeasance in the  
25 performance of official duties. Impeachment must originate in the  
26 senate and must be approved by two-thirds vote of its members. The  
27 motion for impeachment must list fully the basis for the proceeding.  
28 Trial on impeachment shall be conducted by the house of representa-  
29 tives. A supreme court justice designated by the court shall preside

1 at the trial. Concurrence of two-thirds of the members of the house  
2 is required for a judgment of impeachment. The judgment may not  
3 extend beyond removal from office, but does not prevent proceedings in  
4 the courts on the same or related charges.

5 \* Sec. 3. AS 22.20.020(a) is repealed and reenacted to read:

6 (a) A judicial officer may not act in a matter in which

7 (1) the judicial officer is a party or is related to a  
8 party or a party's attorney by consanguinity or affinity within the  
9 third degree;

10 (2) the judicial officer is a material witness;

11 (3) the judicial officer or the spouse of the judicial  
12 officer, individually or as a fiduciary, or a child of the judicial  
13 officer has a direct financial interest in the matter;

14 (4) a party, except the state or a municipality of the  
15 state, has retained or been professionally counseled by the judicial  
16 officer as its attorney within two years preceding the assignment of  
17 the judicial officer to the matter;

18 (5) the judicial officer has represented a person as attor-  
19 ney for the person against a party, except the state or a municipality  
20 of the state, in a matter within two years preceding the assignment of  
21 the judicial officer to the matter;

22 (6) an attorney for a party has represented the judicial  
23 officer or a person against the judicial officer, either in the judi-  
24 cial officer's public or private capacity, in a matter within two  
25 years preceding the filing of the action;

26 (7) the law firm with which the judicial officer was asso-  
27 ciated in the practice of law within the two years preceding the  
28 filing of the action has been retained or has professionally counseled  
29 either party with respect to the matter;

1                   (8) the judicial officer feels that, for any reason, a fair  
2                   and impartial decision cannot be given.

3                   \* Sec. 4. AS 22.20.020 is amended by adding a new subsection to read:

4                   (d) In this section "municipality" has the meaning given in  
5                   AS 29.71.800.